

CITY OF SAN ANTONIO

Board of Adjustment Regular Meeting Agenda

Cliff Morton Development and Business Services Center
1901 South Alamo Street
Board Room, First Floor

**Monday, December 3, 2007
11:30 AM**

BOARD OF ADJUSTMENT MEMBERS

Vacant – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
Gerald Yarborough – District 4	Michael Gallagher – District 10
George Alejos – District 5	Gene Camargo – District Mayor
Mike Villyard – District 9	
Chairman	
Maria Cruz	Michael Dean
Mimi Moffat	Henry Rodriguez
Rollette Schreckenghost	Pete Vallone

1. **11:30 AM, Tobin Room – Work Session to discuss motion procedures, speaker time limits, and other legal matters, 1901 South Alamo Street, Cliff Morton Development and Business Services Center.**
2. 1:00 PM Board Room – Public Hearing Call to Order.
3. Roll Call.
4. Pledges of Allegiance.
5. **A-08-011:** The request of Mark and Marie Cooper, for 1) a 130 square-foot variance from the Unified Development Code requirement that accessory detached dwelling units be no larger than 800 square feet, in order to build a 930 square-foot accessory detached dwelling unit, and 2) a 23% building footprint variance from the Unified Development Code requirement that the building footprint of an accessory detached dwelling unit be no larger than 40% of the principal building footprint, in order to build an accessory detached dwelling unit with a building footprint that would be 63% of the building footprint of the principal residence, 1940 West Summit Avenue.

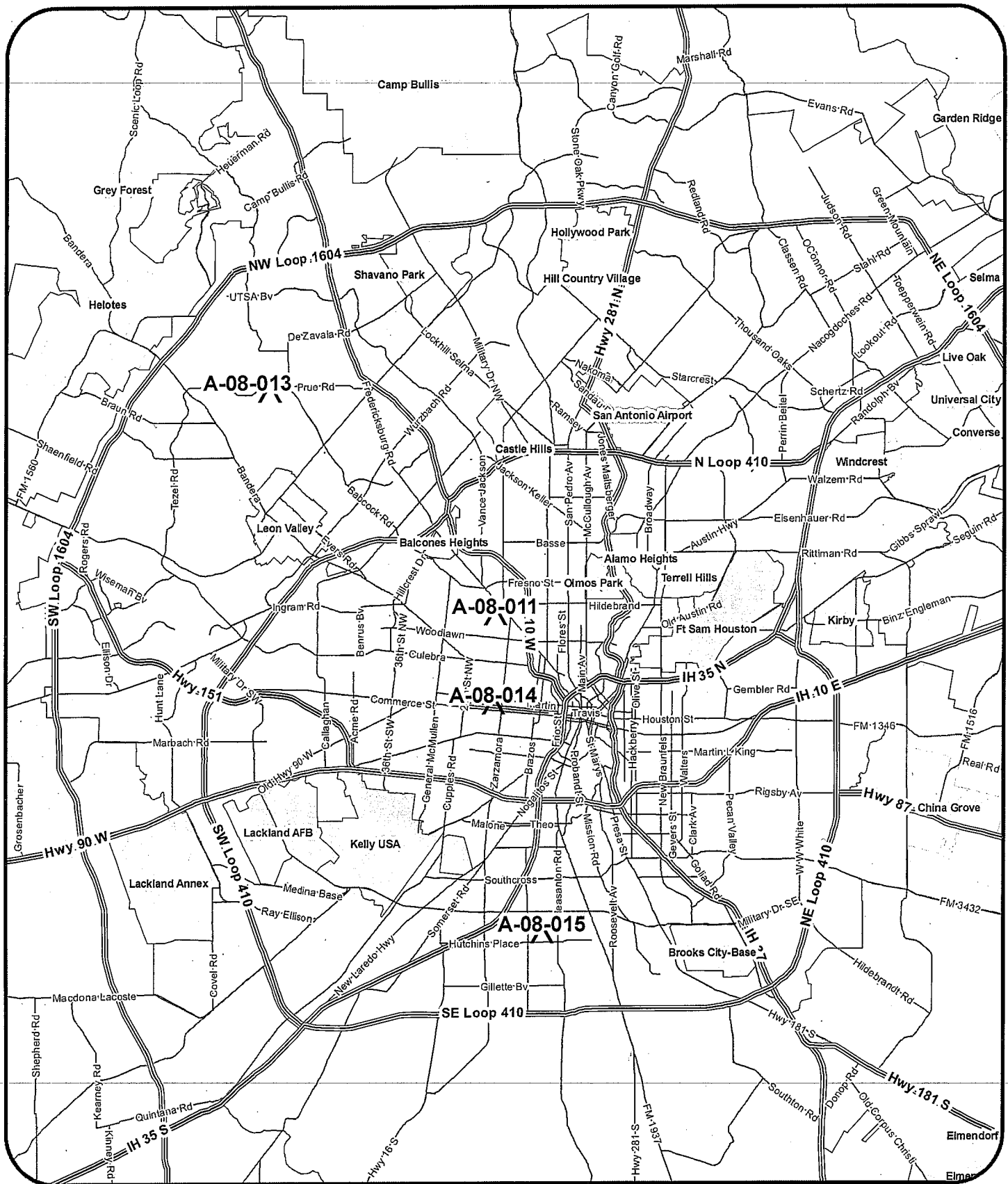
6. **A-08-013:** The request of William B. Patterson, for 1) a 6-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback for accessory structures be maintained, in order to keep an accessory structure 4 feet, 6 inches from the side property line, and 2) a 3-foot variance from the Unified Development Code requirement that a minimum 5-foot rear setback for accessory structures be maintained, in order to keep the same accessory structure 2 feet from the rear property line, 6711 Country Swan.
7. **A-08-014:** The request of Nora V. Garza, for a Special Exception, as required in Unified Development Code, to continue to operate a one (1) operator beauty shop in a residential area, 2817 Buena Vista Street.
8. **A-08-015:** The request of Carlos L. Flores, for a 3-foot variance from the Unified Development Code requirement that solid screen fences in front yards be no taller than 3 feet in order to keep a 6-foot tall solid screen fence in the front yard, 435 West Hutchins Place
9. Approval of the minutes from the regular meeting on November 19, 2007.
10. Staff Report.
11. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
12. **Adjournment**

Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: www.sanantonio.gov/dsd

At any time prior to the meeting, you may contact a case manager at 207-6944 to check the status of a case.

Accessibility Statement

This meeting is wheelchair accessible. The accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located in front and rear of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling (210) 207-7245.



Board of Adjustment

Subject Property Locations
Cases for December 3, 2007



Produced by the City of San Antonio
Development Services Department
(11/20/2007)



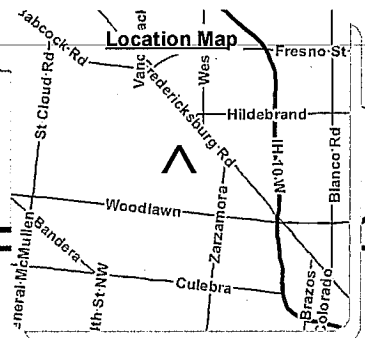
Board of Adjustment
Notification Plan for
Case A-08-011



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 7



Produced by the City of San Antonio
 Development Services Department
 (11/09/2007)

Board of Adjustment - Case No. A-08-011

December 3, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, December 3, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Mark and Marie Cooper
Lot 16, Block 22, NCB 1944
1940 West Summit Avenue
Zoned: “R-6” Residential Single-Family District

The applicant requests 1) a 130 square-foot variance from the Unified Development Code requirement that a maximum 800 square-foot area allowed for accessory detached dwelling units, in order to build a 930 square-foot accessory detached dwelling unit, and 2) a 23% building footprint variance from the Unified Development Code requirement that a maximum allowed [40% of the building footprint of the principal residence], in order to build an accessory detached dwelling unit with a building footprint that would be 63% of the building footprint of the principal residence.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the enclosed card to the Development Services Department, P.O. Box 839966, San Antonio, Texas 78283-3966. For additional information please call (210) 207-8318. Thank you.

Summit Ave W

50'-0"

Lot 16
NCB 01944 - Block 022

Existing
Residence

160'-2"

Proposed Additional
Residential Structure
(930 sq. ft.)

Alley

Board of Adjustment

**Plot Plan for
Case A-08-011**



Scale: 1" approx. = 20'
Council District 7

1940 Summit Ave W

Produced by the City of San Antonio
Development Services Department
(11/09/2007)

CASE NO: A-08-011

Board of Adjustment – December 3, 2007

Continued from November 19, 2007

Applicant: Mark and Marie Cooper

Owner: Mark and Marie Cooper

Request(s): 1) a 130 square-foot variance from the requirement that accessory detached dwelling units be no larger than 800 square feet, in order to build a 930 square-foot accessory detached dwelling unit, and
2) a 23% building footprint variance from the requirement that the building footprint of an accessory detached dwelling unit be no larger than 40% of the principal building footprint, in order to build an accessory detached dwelling unit with a building footprint that would be 63% of the building footprint of the principal residence

Legal Description: Lot 16, Block 22, NCB 1944

Address: 1940 West Summit Avenue

Zoning: "R-6" Residential Single-Family District

Existing Use: Single-family residence

Neigh. Assoc: Jefferson/Woodlawn Lake Neighborhood Association

Neigh. Plan: Near Northwest Community Plan

Section of the City Code from which these variances are requested

35-371 Accessory Dwellings: The building footprint for an accessory detached dwelling unit shall not exceed 40% of the building footprint of the principal residence, and the total floor area of an accessory detached dwelling unit shall not exceed 800 square feet or be less than 300 square feet.

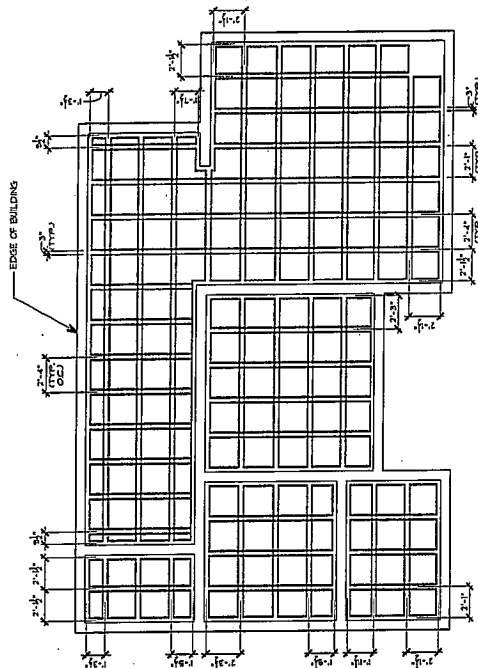
Background: The subject property is located in a residential single-family neighborhood and is occupied by a single-family residence. The subject property lies on the south side of West Summit Avenue, west of IH 10 west, north of West Woodlawn Avenue. A 9-foot wide alley abuts the subject property to the south. Residential zoning and uses surround the subject property. The applicant is proposing to build a 930 square-foot accessory detached dwelling unit in the rear of the subject property.

Recommendation: The intent of the limits on accessory detached dwelling unit square-footage and building footprint size is to prevent overcrowding of residential lots and to achieve the open space desired in residential neighborhoods. Considering the size of the lot (8000 square feet), and the size of the proposed accessory detached dwelling unit, it appears the 930 square-foot accessory detached dwelling unit would not observe the intent of the ordinance. Furthermore, the size and scale of the proposed accessory detached dwelling unit is not consistent with the surrounding neighborhood. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the total floor area or the building footprint requirements for accessory detached dwelling units would result in unnecessary hardship. Staff recommends **denial** of the requested variances.

CASE MANAGER: David Arciniega, Planner, 207-6944

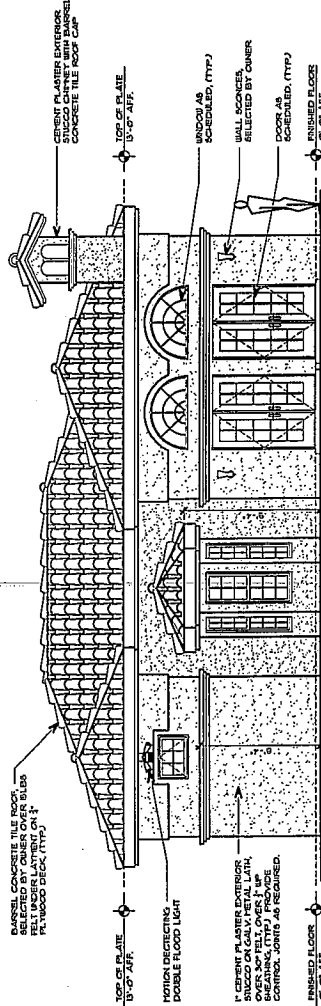
LOT 12



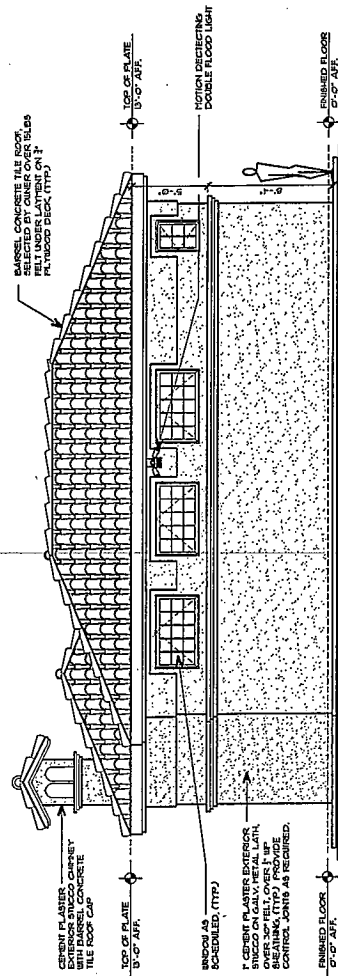


A22 REFLECTIVE CEILING PLAN

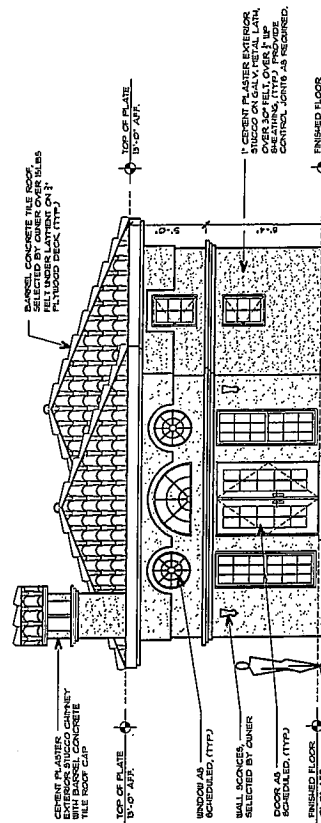
A2.1 ROOF PLAN



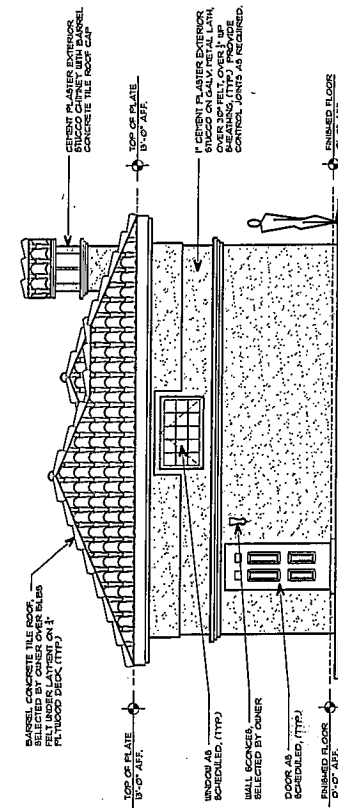
A23 NORTH ELEVATION



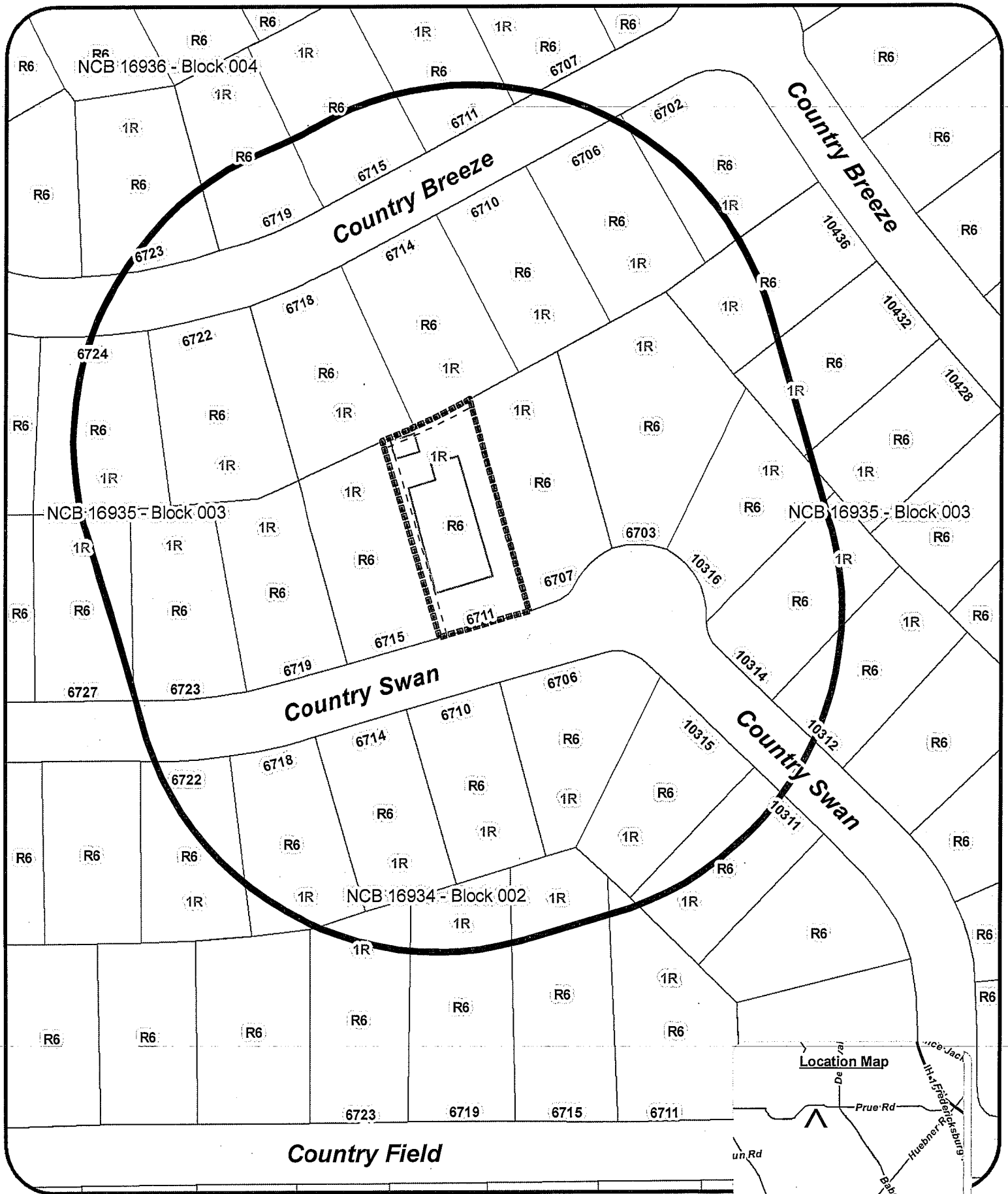
A2.5 SOUTH ELEVATION



A2.4 WEST EVALUATION



Δ26 EAST ELEVATION

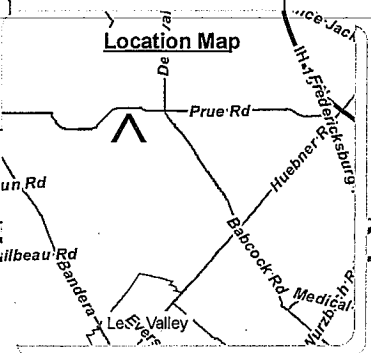


Board of Adjustment
Notification Plan for
Case A-08-013



Legend
 Subject Property
 200' Notification Buffer

Scale: 1" approx. = 80'
 Council District 7



Produced by the City of San Antonio
 Development Services Department
 (11/20/2007)

Board of Adjustment - Case No. A-08-013

December 3, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, December 3, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – William B. Patterson
Lot 26, Block 3, NCB 16935
6711 Country Swan
Zoned: “R-6” Residential Single-Family District

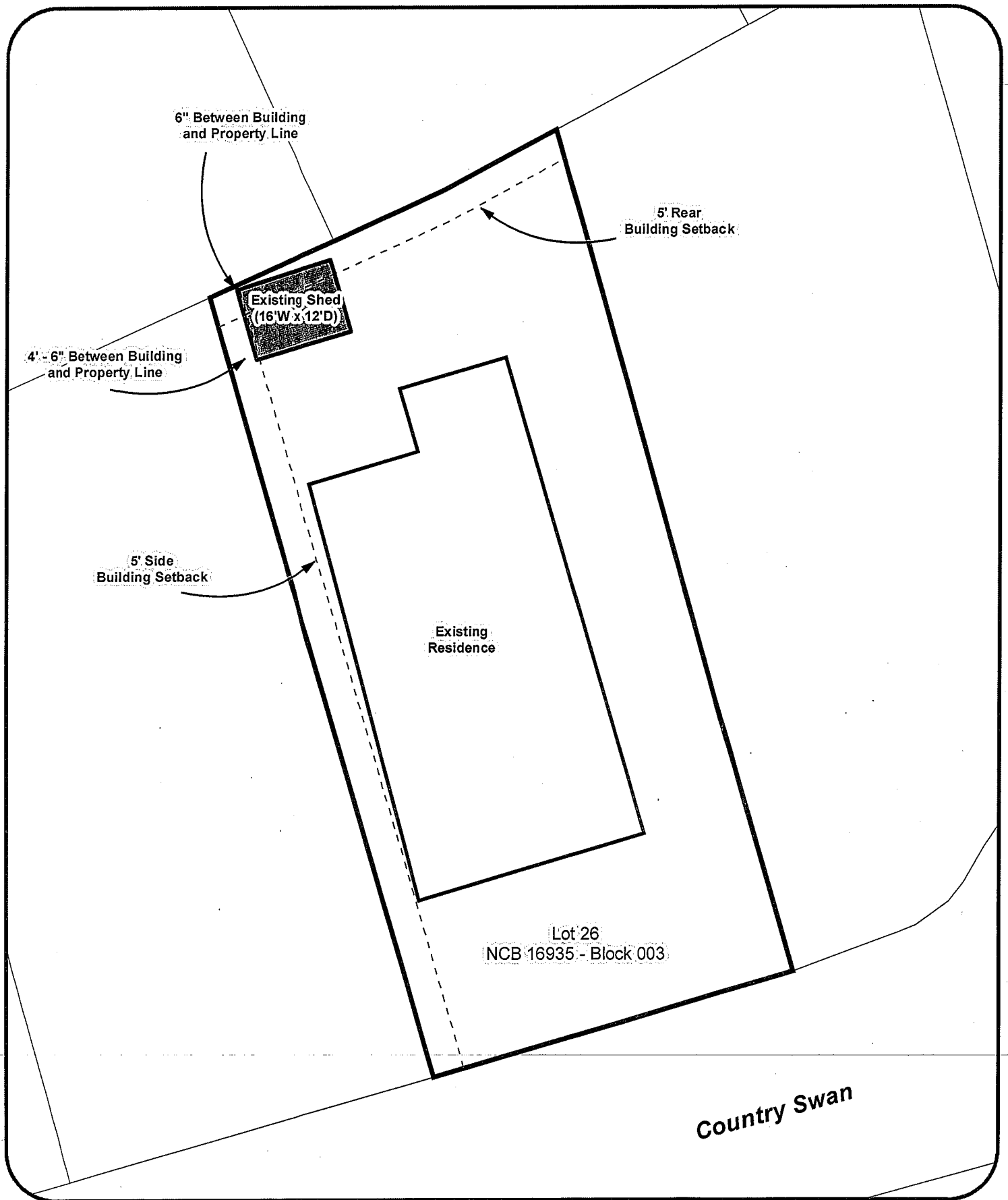
The applicant is requesting **1)** a 6-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback for accessory structures be maintained, in order to keep a accessory structure 4 feet, 6 inches from the side property line, and **2)** a 3-foot variance from the Unified Development Code requirement that a minimum 5-foot rear setback for accessory structures be maintained, in order to keep the same accessory structure 2 feet from the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Whether or not you attend this public hearing, please complete and return the enclosed card to the Development Services Department, P.O. Box 839966, San Antonio, Texas 78283-3966. For additional information please call (210) 207-8318. Thank you.



Board of Adjustment
Plot Plan for
Case A-08-013



Scale: 1" approx. = 20'
Council District 7

6711 Country Swan

Produced by the City of San Antonio
Development Services Department
(11/20/2007)

CASE NO: A-08-013

Board of Adjustment – December 3, 2007

Applicant: William B. Patterson

Owner: William B. Patterson

Request(s): 1) a 6-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained for accessory structures, in order to keep an accessory structure 4 feet, 6 inches from the side property line, and
2) a 3-foot variance from the Unified Development Code requirement that a minimum 5-foot rear setback be maintained for accessory structures, in order to keep the same accessory structure 2 feet from the rear property line

Legal Description: Lot 26, Block 3, NCB 16935

Address: 6711 Country Swan

Zoning: "R-6" Residential Single-Family District

Existing Use: Single-family residence

Neigh. Assoc: Alamo Farmsteads – Babcock Road Neighborhood Association

Neigh. Plan: Huebner / Leon Creek Plan

Section of the City Code from which these variances are requested:

Section 35-370 Accessory Use Regulations: Accessory structures exceeding 30 inches in height shall be located a minimum distance of 5 feet from any side or rear property line. In residential districts, however, if an accessory structure has no sills, belt courses, cornices, buttresses or eaves, then the minimum distance may be reduced to 3 feet.

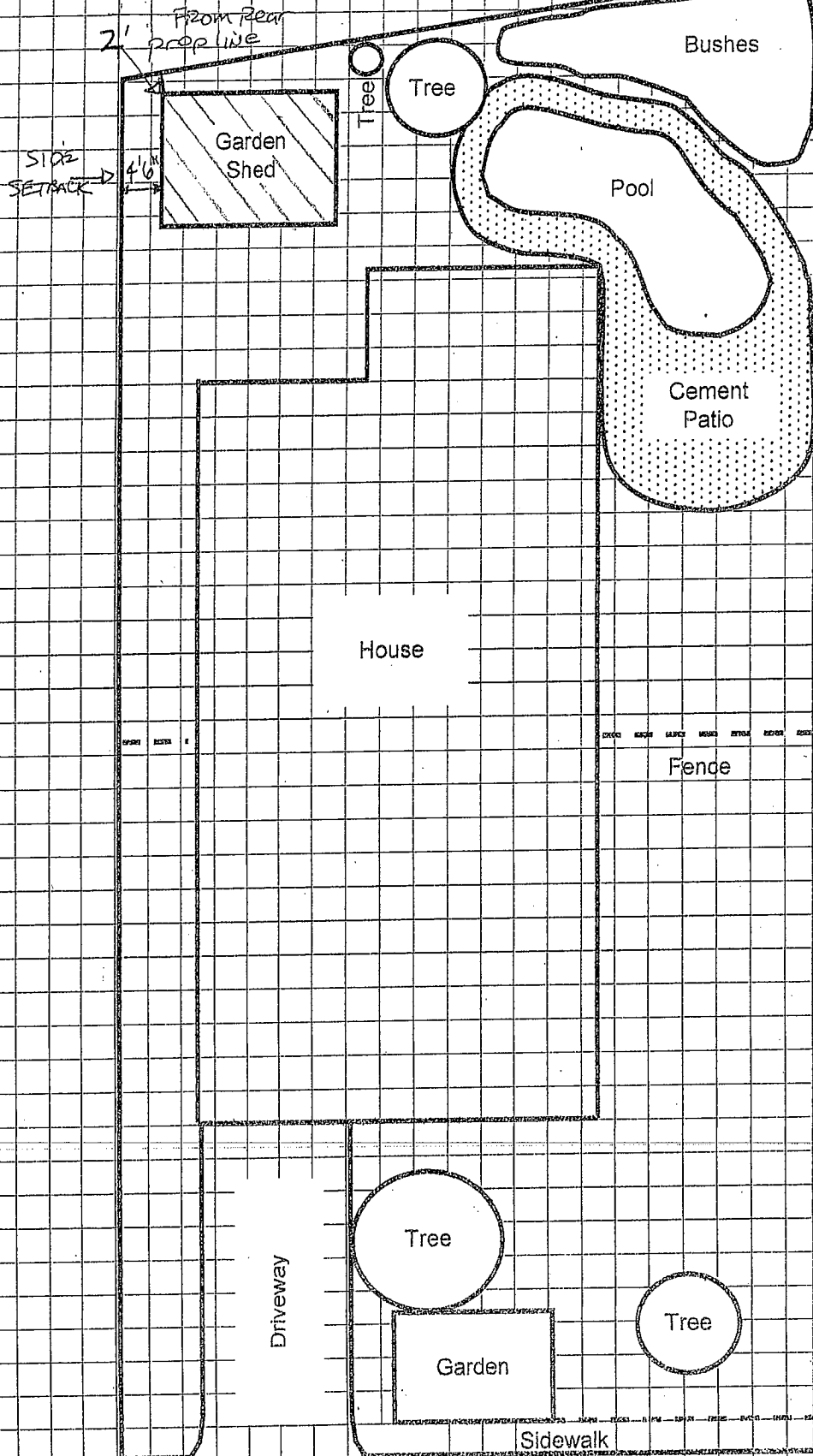
Background: The subject property is located in an established residential single-family neighborhood outside of Northwest Loop 410 on the City's northwest side. This site is specifically situated on the north side of Country Swan, south of Prue Road and west of Babcock Road. The subject property is occupied by a single-family residence. The applicant constructed a 12-foot by 16-foot accessory structure at the rear of the property intended to be used for storage. This structure encroaches into both the rear and side setbacks: it is situated 4 feet, 6 inches from the side property line, and 2 feet from the rear property line (at its closest point). There is no alleyway between the subject property and the residential lots to the north. The applicant built the accessory structure without the required building permit and was issued a citation on October 10, 2007.

Recommendation: The intent of the rear and side setback requirements for accessory structures is to allow for maintenance, air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the rear and side setback requirements would result in unnecessary hardship. Staff recommends **denial** of the requested variances.

Case Manager: David Arciniega, Planner (210) 207-6944

North

PLOT PLAN 6711 Country Swan



1 square = approx. 3 ft.

Lot: 63 x 127 ft.

City of San Antonio
P.O. Box 839966
San Antonio, TX 78283-3966

GENINVEST Case

Report Date 11/29/2007 12:42 PM

Submitted By G. MENDOZA 207-1111

Page 1

Case # 66471

Case Information

Stages

	Date / Time	By
Processed	10/08/2007 10:20	JP00190
Resolved		
Expires		

Associated Information

Case Group	CODE	POSSIBLE CODE VIOLATION	<input checked="" type="checkbox"/> Auto Reviews
Priority	P2	MED PRIORITY	
Resolution Code			
Source	CALL	CITIZEN DIRECT CALL	
Name			

Applications Affected

☒ Building Application ☐ Project Application ☐ Use Application ☐ License Application ☐ Case

Description of Case

ACCESSORY STRUCTURE BEING BUILT TOO CLOSE TO THE REAR AND SIDE YARD, POSSIBLE ENCROACHMENT TO MINIMUM YARD REQUIREMENTS. PLEASE CONTACT NEIGHBOR (JOSE RIVERA) PRIOR TO INSPECTION 323-6324. HIS ADDRESS IS 6718 COUNTRY BREEZE. //11111/ 10/10/07 BUILT 12X20 STRUCTURE IN REAR YARD WITHOUT A PERMIT AND TOO CLOSE TO REAR PROPERTY LINE. LEFT CARD ON DOOR SCORTEZ 112 //1111/ 10/23/07 APPLIED FOR VARIANCE.//

Project #	Project/Phase Name
Size/Area	Size Description

Phase #

Customer Service

Service #	Problem	Resolution Code	Resolved Date
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No Customer Service Log Entries

Property/Site Information

Address 6711 COUNTRY SWAN
SAN ANTONIO TX 78240-0000

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

329904

A/P Linked Parcels

No Parcels are linked to this Application

Review Activities

Act #	Act Type	Status	Waived	Issued	Started	Completed
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There are no Review Activities for this Report



Board of Adjustment
Notification Plan for
Case A-08-014



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 5

Location Map



Produced by the City of San Antonio
 Development Services Department
 (11/20/2007)

Board of Adjustment - Case No. A-08-014

December 3, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, December 3, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Nora V. Garza
Lot 11, Block 3, NCB 2324
2817 Buena Vista Street
Zoned: “MF-33” Multi-Family District

The applicant is requesting a Special Exception to continue to operate a one(1) operator beauty shop in a residential area

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

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Alley

Lot 11
NCB 02324 - Block 003

Existing
Beauty Shop
(13' x 19')

Existing
Residence

Buena Vista

Board of Adjustment

**Plot Plan for
Case A-08-014**



Scale: 1" approx. = 20'
Council District 5

2817 Buena Vista

Produced by the City of San Antonio
Development Services Department
(11/19/2007)

CASE NO: A-08-014**Board of Adjustment – December 3, 2007**

Applicant: Nora V. Garza
Owner: Nora V. Garza
Request(s): A Special Exception to continue to operate a one-operator beauty shop in a residential area
Legal Description: Lot 11, Block 3, NCB 2324
Address: 2817 Buena Vista Street
Zoning: "MF-33" Multi-Family District
Existing Use: Single-family residence with a one-operator beauty shop
Neigh. Assoc: Prospect Hill Neighborhood Association
Neigh. Plan: None

Section of the City Code from which this special exception is requested:

35-399.01 One-Operator Beauty Shops and Barber Shops: Granting of the permit for a beauty shop or barber shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed four (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the Board of Adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit.

Background: The subject property is located in an established residential neighborhood and is occupied by a single-family residence that includes a one-operator beauty shop. The subject property is situated on the north side of Buena Vista Street, between West Commerce Street and West Durango Boulevard, west of South Zarzamora Street. The Board of Adjustment granted three previous Special Exceptions with two-year limitations (the previous maximum allowed by Code) allowing the operation of the existing beauty shop on:

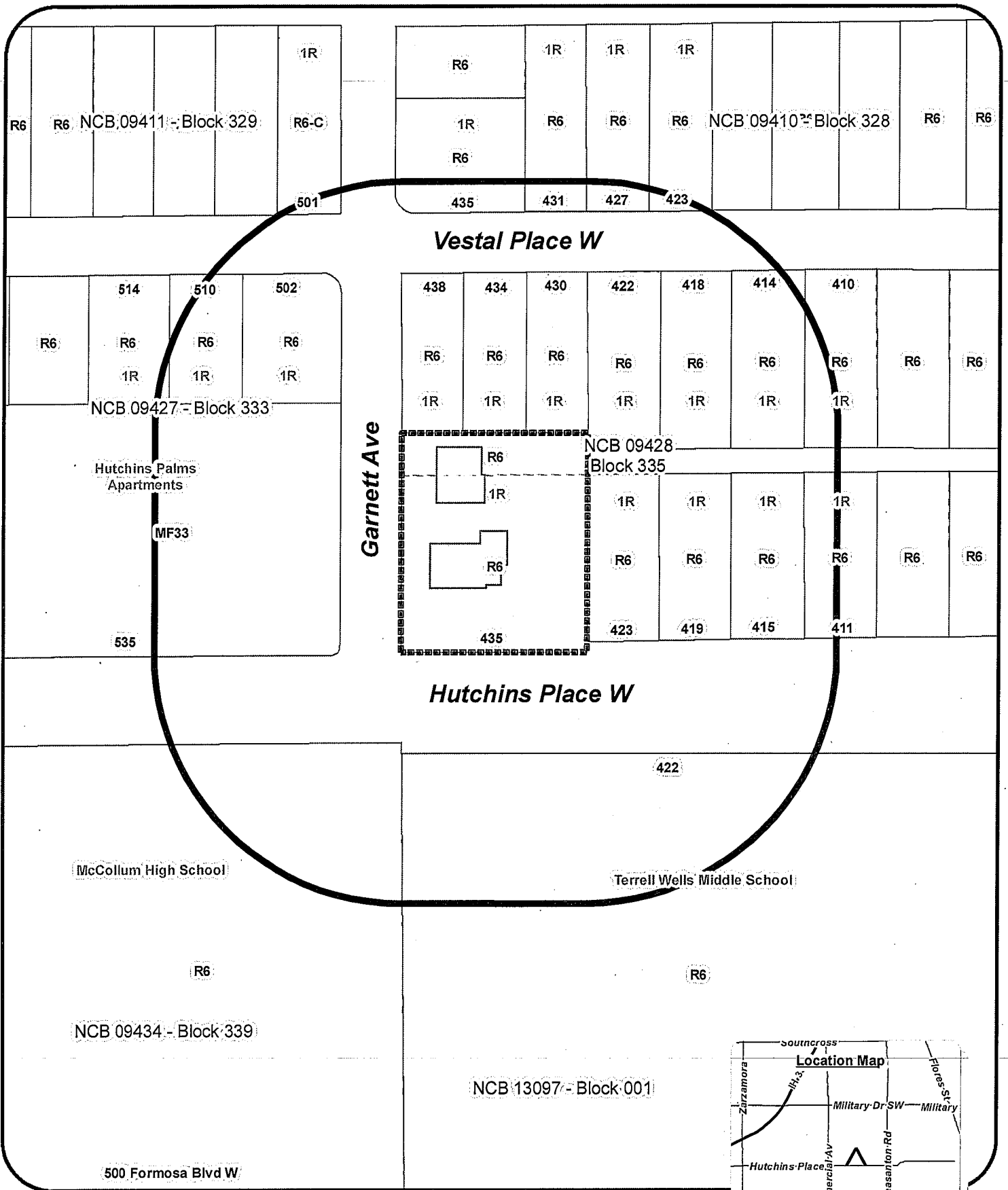
- September 17, 2001,
- October 6, 2003 and
- November 7, 2005.

The applicant applied for a new Special Exception on November 2, 2007. The days and hours of operation are proposed to remain the same: Monday, Tuesday and Thursday through Saturday from 9am to 6pm, for a total of 45 hours per week. The beauty shop will remain closed on Wednesday and Sunday. There are no proposed changes to the size of the beauty shop or its location within the residence.

Recommendation: The granting of this Special Exception request will allow the applicant to continue to utilize a portion of the existing single-family residence for a barber/beauty shop without detracting from the residential character of the neighborhood. This applicant has operated at this location since September 2001 without any subsequent code violations. The

applicant has indicated she will continue to meet all of the conditions set forth in Section 35-399.01 of the Unified Development Code (UDC). (A copy of the application is attached.) Staff recommends **approval** of this Special Exception request for a **4-year period of operation**. The applicant appears to have continually demonstrated herself as a responsible beauty shop operator within the residential neighborhood and has adhered to the spirit Section 35-399.01; thus, justifying the maximum allowable four-year Special Exception.

Case Manager: David Arcinega, Planner (210) 207-6944

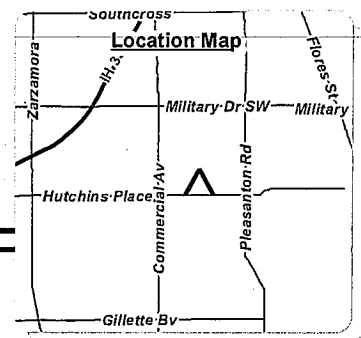


Board of Adjustment
Notification Plan for
Case A-08-015



Legend
 Subject Property
 200' Notification Buffer

Scale: 1" approx. = 100'
 Council District 3



Produced by the City of San Antonio
 Development Services Department
 (11/20/2007)

Board of Adjustment - Case No. A-08-015

December 3, 2007

The Board of Adjustment will hold a Public Hearing at 1:00 PM on **Monday, December 3, 2007** in the Board Room on the 1st floor of the Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Carlos L. Flores
Lots 18, 19 and 20, Block 335, NCB 9428
435 West Hutchins Place
Zoned: “R-6” Residential Single-Family District

The applicant is requesting a 3-foot variance from the Unified Development Code requirement that solid screen fences in front yards be no taller than 3 feet in order to keep a 6-foot tall solid screen fence in the front yard

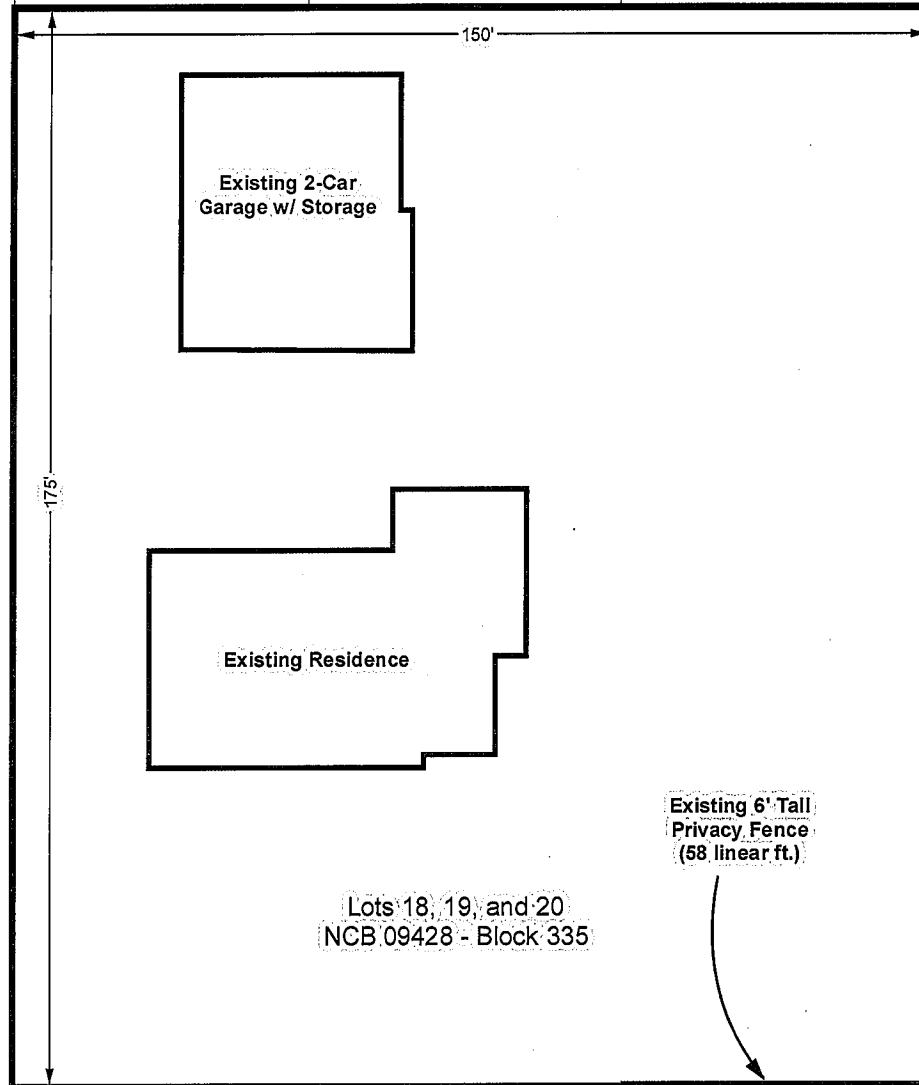
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Garnett



Alley

Hutchins Place W

Board of Adjustment
Plot Plan for
Case A-08-015



Scale: 1" approx. = 20'
Council District 7

435 Hutchins Place W

Produced by the City of San Antonio
Development Services Department
(11/19/2007)

CASE NO: A-08-015

Board of Adjustment – December 3, 2007

Applicant: Carlos L. Flores
Owner: Carlos L. Flores
Request(s): A 3-foot variance from the requirement that solid screen fences in front yards be no taller than 3 feet, in order to keep an existing 6-foot tall solid screen fence in the front yard
Legal Description: Lots 18, 19 and 20, Block 335, NCB 9428
Address: 435 West Hutchins Place
Zoning: "R-6" Residential Single-Family District
Existing Use: Single-Family Residence
Neigh. Assoc: None
Neigh. Plan: None

Section of the City Code from which this variance is requested

35-514 Fences and Walls: No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of 4 feet with the fence or wall to be so constructed that vision will not be obscured above a height of 3 feet.

Background: The subject properties are located in an established residential neighborhood located inside Loop 410 on the City's south side. The subject property is situated on the northeast corner of West Hutchins Place and Garnett Avenue, south of Southwest Military Drive and east of Commercial Avenue. A single-family residence occupies this site. Single-family residences abut these properties to the north and east; apartments lie to the west and Terrell Wells Middle School and McCollum High School exist to the south. The applicant was issued a citation on April 17, 2007 for erecting a 6-foot tall solid screen fence in the front yard without the required building permits and that exceeds the maximum allowable fence height.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. In addition, fence height in front yards is limited because the presence can detract from the streetscape and pedestrian friendliness of a neighborhood. None of the residences that are located on the 400 block of West Hutchins Place have fences in their front yards that exceed 4 feet in height. The size and scale of the solid screen fence is not consistent with existing conditions in the area. There does not appear to be special physical or topographic conditions on this property where literal enforcement of the fence height limitations would result in unnecessary hardship. Staff recommends **denial** of the variance request.

Case Manager: David Arciniega, Planner (210) 207-6944

Report Date 11/29/2007 12:48 PM

Submitted By G. MENDOZA 207-1111

Page 1

Case # 61102

Case Information

Stages

	Date / Time	By
Processed	04/16/2007 10:43	VS13639
Resolved		
Expires		

Associated Information

Case Group	CODE	POSSIBLE CODE VIOLATION	<input checked="" type="checkbox"/> Auto Reviews
Priority	P2	MED PRIORITY	
Resolution Code			
Source	INSR	INVESTIGATOR/INSPECTOR	
Name			

Applications Affected

☐ Building Application ☐ Project Application ☐ Use Application ☐ License Application ☐ Case

Description of Case

erected a fence w/o a permit. and is 6ft high on sides of the home. /// 4/30/07 prior inspection was made on 4/17/07. owner was left notice that 6' high fence was illegal at front property line. 4/30/07 met with owner on site. he has contacted his council representative who will set up a meeting to discuss complaint. /// 05/18/07 no word from city council aide /// 06/13/07 sent notice via certified mail informing that a permit or application for BOA must be obtained by 6/29/07 or a case will be filed in municipal court /// 07/05/07 spoke with owner and informed me he had just gotten notice via mail due to postman leaving it at next door. owner informed me that council aide is working with him. informed owner that council aide needs to contact me immediately. /// 07/12/07 owner responded back and would like to apply for variance but is lacking funds at this time. gave him a 3 month extension.

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service	Problem	Resolution Code	Resolved Date
Service #			

No Customer Service Log Entries

Property/Site Information

Address 435 W HUTCHINS PLACE
SAN ANTONIO TX 78221-0000

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

180054

A/P Linked Parcels

No Parcels are linked to this Application

Review Activities

Act #	Act Type	Status	Waived	Issued	Started	Completed
Comp By	Comments					

There are no Review Activities for this Report